

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

No. 1:25-cv-11221-WGY

**[PROPOSED] ORDER GRANTING PLAINTIFF STATES' MOTION FOR SUMMARY
JUDGMENT**

This matter comes before the Court on the motion of plaintiffs New York, Massachusetts, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Maine, Maryland, the People of the State of Michigan, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, and Washington (States) for summary judgment in their favor on Counts I and II of the Amended Complaint. ECF 141. Having reviewed the States' memorandum of law, declarations, and evidence in support of the motion, as well as papers filed in opposition to this motion, and in accordance with Federal Rule of Civil Procedure 56, and for good cause shown, the Court finds that (1) the States have established standing to seek vacatur of each Agency Defendant's decision to indefinitely pause all wind-energy permitting pending an extra-statutory assessment pursuant to § 2(a) of Presidential Memorandum entitled *Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects*, 90 Fed. Reg. 8363 (Jan. 29, 2025) (Wind Directive) (ECF 165-2, 165-5, 165-7, 165-9), (2) each Agency Defendant's pause violates the Administrative Procedure Act because it is arbitrary and capricious, contrary to law,

and exceeds Agency Defendants' statutory authority under numerous laws and regulations that require Agency Defendants to follow specific timelines and standards in permitting wind-energy projects.

It is hereby ORDERED that SUMMARY JUDGMENT on Counts I and II of the Amended Complaint (ECF 141) is entered in the States' favor. It is further DECLARED that each Agency Defendant's decision to indefinitely pause all wind-energy permitting pending an extra-statutory assessment pursuant to the Wind Directive violates the Administrative Procedure Act and therefore said decisions are hereby VACATED and SET ASIDE in their entirety.

Judge William G. Young